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5 Attorneys for DEFENDANT
SIMM ASSOCIATES, INC.

E-filing

FILED
APR 23 2007
RICHARD W. WIERKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

RS

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11 RAMONA PATRICIA CARDON,

12 Plaintiff,

13 v.

14 SIMM ASSOCIATES, INC. a Delaware
corporation, and DEFENDANT DOES 1 through
15 10,

16 Defendants.
17

CV 08

2130

Case No.:
Santa Clara County Case No.: 108CV106682

NOTICE OF REMOVAL OF ACTION
UNDER 28 USC § 1441(b) (FEDERAL
QUESTION)

BY FAX

18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE that defendant SIMM ASSOCIATES, INC., hereby removes to this Court
20 the state court limited civil action described below:

21 1. On February 25, 2008, an action was commenced in the Superior Court of State of
22 California, County of Santa Clara, entitled RAMONA PATRICIA CARDON, Plaintiff, v. SIMM
23 ASSOCIATES, INC., et al., as case number 108CV106682

24 2. On March 24, 2008, SIMM ASSOCIATES, INC., received the Summons and
25 Complaint, attached hereto as **Exhibit A**.

26 3. This Court has jurisdiction to hear this case because this action is a civil action of which
27 this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this
28 Court by defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under the federal

1 Fair Debt Collection Practices Act (15 U.S.C. § 1692, *et seq.*). (See, Exhibit A: Complaint, ¶¶ 6, 7, 18,
2 23, 24, Prayer for Relief ¶¶ d-e.)

3 4. SIMM ASSOCIATES, INC. is the only named defendant and submits the removal of
4 this action.

5 Dated: April 23, 2008

6 ELLIS, COLEMAN, POIRIER, LAVOIE, & STEINHEIMER LLP

7
8 By Kimberly E. Lewellen
9 Kimberly E. Lewellen
10 Attorney for
11 SIMM ASSOCIATES, INC.
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CERTIFICATE OF SERVICE

I, Alexandria Felix, declare:

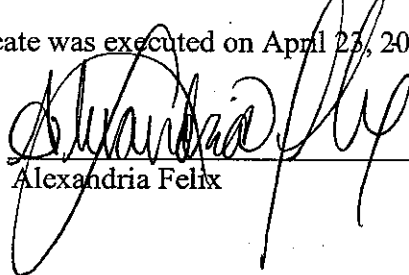
I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East, Sacramento, CA 95825.

On April 23, 2008, I served the following document(s) on the parties in the within action:

NOTICE OF REMOVAL OF ACTION UNDER 28 USC § 1441(b) (FEDERAL QUESTION)

	VIA ELECTRONIC SERVICE: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:
X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at Sacramento, CA on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) was transmitted via facsimile from the fax number shown on the attached facsimile report, at the time shown on the attached facsimile report, and the attached facsimile report reported no error in transmission and was properly issued from the transmitting facsimile machine, and a copy of same was mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:
Fred W. Schwinn Consumer Law Center, Inc. 12 South First Street Suite 1014 San Jose, CA 95113-2404	Attorneys for PLAINTIFF RAMONA PATRICA CARDON

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on April 23, 2008.

By. 
 Alexandria Felix

1 Fred W. Schwinn (SBN 225575)
2 CONSUMER LAW CENTER, INC.
3 12 South First Street, Suite 1014
4 San Jose, California 95113-2418
5 Telephone Number: (408) 294-6100
6 Facsimile Number: (408) 294-6190
7 Email Address: fred.schwinn@sjconsumerlaw.com

8 Attorney for Plaintiff
9 RAMONA PATRICIA CARDON

ENDORSED

2008 FEB 25 P 3:14

KES TERRY, CLERK OF THE SUPERIOR COURT
COUNTY OF SANTA CLARA
BY: A. Hias
J. H. CHAN

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SANTA CLARA

108CV106682

12 RAMONA PATRICIA CARDON,

Case No. _____

13 Plaintiff,

LIMITED CIVIL CASE

14 v.

Amount demanded does
not exceed \$10,000

15 SIMM ASSOCIATES, INC., a Delaware
16 corporation, and DEFENDANT DOES 1
17 through 10,

COMPLAINT

California Civil Code § 1812.700, *et seq.*
California Civil Code § 1788, *et seq.*

18 Defendants.

19 Plaintiff, RAMONA PATRICIA CARDON (hereinafter "Plaintiff"), based on
20 information and belief and investigation of counsel, except for those allegations which pertain to the
21 named Plaintiff or her attorneys (which are alleged on personal knowledge), hereby makes the
22 following allegations:

23 INTRODUCTION

24 1. This Complaint seeks to remedy Defendants' violations of the Rosenthal Fair
25 Debt Collection Practices Act, California Civil Code § 1788, *et seq.* (hereinafter "RFDCPA"), which
26 prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

27 JURISDICTION AND VENUE

28 2. The Court has jurisdiction over this action pursuant to California Civil Code
§ 1788.30(f), which allows enforcement in any court of competent jurisdiction. The California

3. This Court has jurisdiction over each Defendant named herein because, based on information and belief, each defendant is a corporation or association authorized to do business in California and registered with the California Secretary of State, or does sufficient business, has sufficient minimum contacts in California, is a citizen of California, or otherwise intentionally avails itself of the California market through the promotion, sale, marketing and/or distribution of goods and services in California and thereby having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

13 4. Venue is proper in the Santa Clara Superior Court pursuant to California Code
14 of Civil Procedure ("C.C.P.") §§ 393 and 395.5, because one or more of the violations alleged in this
15 Complaint arise in the County of Santa Clara.

PARTIES

17 5. Plaintiff, RAMONA PATRICIA CARDON, is a natural person residing in
18 Santa Clara County. Plaintiff is a "debtor" within the meaning of Civil Code § 1788.2(h).

6. Defendant, SIMM ASSOCIATES, INC. (hereinafter "SIMM"), is a Delaware corporation engaged in the business of collecting debts in this state with its principal place of business located at: 800 Pencader Drive, Newark, Delaware 19702-3354. SIMM may be served as follows: Simm Associates, Inc., c/o Gregory Simendinger, 800 Pencader Drive, Newark, Delaware 19702-3354. The principal purpose of SIMM is the collection of debts using the mails and telephone, and SIMM regularly attempts to collect debts alleged to be due another. SIMM is a "debt collector" within the meaning of Civil Code § 1788.2(c). SIMM is a third-party debt collector subject to the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

27 7. The true names and capacities, whether individual, corporate, associate,
28 governmental, or otherwise, of Defendants, DOES 1 through 10, are unknown to Plaintiff at this

1 time, who therefore sues said Defendants by such fictitious names. When the true names and
2 capacities of said Defendants have been ascertained, Plaintiff will amend this Complaint accordingly.
3 Plaintiff is informed and believes, and thereon alleges, that each Defendant designated herein as a
4 DOE is responsible, negligently or in some other actionable manner, for the events and happenings
5 hereinafter referred to, and caused damages thereby to the Plaintiff, as hereinafter alleged.
6 Defendant, DOES 1-10, are, and each of them is, a "debt collector" within the meaning of Civil Code
7 § 1788.2(c). Defendant, DOES 1-10, are, and each of them is, a third-party debt collector subject
8 to the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

9 8. At all times herein mentioned, each of the Defendants was the agent, servant,
10 employee and/or joint venturer of his co-defendants, and each of them, and at all said times, each
11 Defendant was acting in the full course and scope of said agency, service, employment and/or joint
12 venture. Any reference hereafter to "Defendants" without further qualification is meant by Plaintiff
13 to refer to each Defendant, and all of them, named above.

14 FACTUAL ALLEGATIONS

15 9. On a date or dates unknown to Plaintiff, Plaintiff is alleged to have incurred
16 a financial obligation, namely a consumer credit account issued by Merrick Bank, (hereinafter "the
17 alleged debt"). The alleged debt was primarily incurred for personal, family or household purposes
18 and is therefore a "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).

19 10. Sometime thereafter on a date unknown to Plaintiff, the alleged debt was
20 consigned, placed or otherwise transferred to Defendants for collection from Plaintiff.

21 11. On or about July 18, 2007, Defendants sent a collection letter to Plaintiff
22 which was Defendants' first written notice initially addressed to Plaintiff in connection with
23 collecting the debt.

24 12. A true and accurate copy of the July 18, 2007 collection letter from
25 Defendants to Plaintiff is attached hereto, marked Exhibit "1," and by this reference is incorporated
26 herein.

27 13. The collection letter (Exhibit "1") does not include the notice required by Cal.
28 Civil Code § 1812.700(a).

FIRST CAUSE OF ACTION

(Violation of the Rosenthal Fair Debt Collection Practices Act, Civil Code § 1788 *et seq.*)

14. Plaintiff brings the first cause of action against Defendants under the California Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33 and §§ 1812.700-1812.702.

15. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through 13 above.

16. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(h).

17. Defendant, SIMM, is a "debt collector" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(c).

18. Defendant, SIMM is a third-party debt collector subject to the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

19. The financial obligation allegedly owed to Merrick Bank by Plaintiff is a "consumer debt" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(f).

20. The collection letter (Exhibit "1") described above violates the RFDCPA. The violations include, but are not limited to, the following:

- a. Defendants failed to include the notice required by Cal. Civil Code § 1812.700(a) in their first written notice to Plaintiff, in violation of Cal. Civil Code § 1788 *et seq.*, as incorporated by Cal. Civil Code § 1812.702.

21. Defendants' acts as described above were done willfully and knowingly with the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code § 1788.30(b).

22. As a result of Defendants' willful and knowing violations of the RFDCPA, Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code § 1788.30(b).

23. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to

1 an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil
2 Code §1788.17.

3 24. As a result of Defendants' violations of the RFDCPA, Plaintiff is entitled to
4 an award of her reasonable attorney's fees and costs pursuant to Cal. Civil Code § 1788.30(c) and
5 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code §1788.17.


6 25. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the
7 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies
8 that the Plaintiff may have under any other provision of law.

9 **PRAYER FOR RELIEF**

10 Plaintiff requests that this Court:

- 11 a. Assume jurisdiction in this proceeding;
- 12 b. Declare that Defendants' collection letter attached hereto as Exhibit "1" violates the
13 Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788 *et seq.*, and
14 Cal. Civil Code § 1812.700(a).
- 15 c. Award Plaintiff a statutory penalty in an amount not less than \$100 nor greater than
16 \$1,000, pursuant to Cal. Civil Code § 1788.30(b);
- 17 d. Award Plaintiff statutory damages in an amount not exceeding \$1,000, pursuant to
18 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code §1788.17;
- 19 e. Award Plaintiff the costs of this action and reasonable attorneys fees, pursuant to Cal.
20 Civil Code § 1788.30(c) and 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil
21 Code §1788.17; and
- 22 f. Award Plaintiff such other and further relief as may be just and proper.

23
24 CONSUMER LAW CENTER, INC.

25
26 By: 
27 Fred W. Schwinn, Esq.
28 Attorney for Plaintiff
RAMONA PATRICIA CARDON

Department 4121
PO Box 1259
Oaks PA 19456



SIMM ASSOCIATES, INC.

800 PENCADER DRIVE
NEWARK DE 19702
(302) 263-2800 - (800) 864-6033

Account #: 2456528	Balance: \$853.87
Client: MERRICK BANK	

3982 - 145

S-DNSIMM10 L-40 A-4120613060020143
P0088000700001 100001
RAMONA CARDON
893 LENZEN AVE APT 314
SAN JOSE CA 95126-2750

SIMM ASSOCIATES, INC.
P.O. BOX 7526
NEWARK DE 19714-7526



Opt-Out Notice (See back for details)

Detach Upper Portion And Return With Payment

July 18, 2007

CLIENT: MERRICK BANK
BALANCE: \$853.87
ACCOUNT #: 4120613060020143

Dear RAMONA CARDON,

Our client is now taking the necessary steps to recover the outstanding amount of \$853.87. They have retained us to review your account and commence collection activity.

Enclose your payment in the envelope provided and make your check or money order payable to SIMM Associates, Inc. If you need to pay the above amount in monthly installments, call our office to make suitable arrangements.

This is an attempt to collect a debt by a debt collector. Any information obtained will be used for that purpose.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume the debt is valid. If you notify this office in writing 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Sincerely,

Jeffrey S. Simendinger

Jeffrey S. Simendinger
Vice President
(800) 864-6033 ext. 512



PLEASE: To ensure proper credit remit payment directly to our office only.

Remit to:
SIMM Associates, Inc.
P.O. Box 7526
Newark, DE 19714-7526

Payments can be made via credit card or bankdraft at:
WWW.SIMMASSOCIATES.COM/PAYMENT.HTM

Please See Reverse Side For Important Information

Opt-out Notice Description: Checks received in our office may be electronically processed. This is a more secure process for our customers in that the check information cannot be seen by anyone after the payment is electronically converted. You may elect to not have your check processed electronically by checking the box provided on the front of this stub.

COLORADO RESIDENTS:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE www.ago.state.co.us/CADC/CADCmain.cfm.

MINNESOTA RESIDENTS:

This collection agency is licensed by the Minnesota Department of Commerce.

NEW YORK CITY RESIDENTS:

New York City Department of Consumer Affairs, license number 1135923.

MASSACHUSETTS RESIDENTS:

Notice of important rights

You have the right to make a written or oral request that telephone calls regarding your debt not to be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked and delivered within seven days of such request. You may terminate this request by writing to the collection agency.

If you wish to discuss this matter, please call us direct, between the hours of 8:00 am and 5 pm EST, at the telephone number listed on the front of this notice. Local address: 15 Union Street, Lawrence MA 01840. Office hours are: Mon-Thurs: 8 am - 8 pm, Fri: 8 am - 5 pm, Sat: 8 am - 12 pm EST.

TENNESSEE:

This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

MAINE Hours of operation:

Mon-Thurs: 8am - 10pm, Fri: 8am - 4pm, Sat: 8am - 12 pm EST.

NORTH CAROLINA:

North Carolina Department of Insurance, permit number 3947.

WISCONSIN:

This collection agency is licensed by the: Office of the Administrator of the Division of Banking, P.O.Box 7876, Madison, Wisconsin 53707

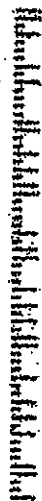
Department 4121
PO Box 1259
Oaks PA 19456



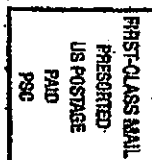
SDNSMHTD L48 A412061308000145
P0088000700001 100001
RAMONA CARDON
893 LENZEN AVE APT 314
SAN JOSE CA 95128-2750

3882 - 145

EAMUSP1 95126



FIRST-CLASS



JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

RAMONA PATRICIA CARDON

DEFENDANTS

SIMM ASSOCIATES, INC. a Delaware corporation, and DEFENDANT DOES 1 through 10

RS

E-filing

(b) County of Residence of First Listed Plaintiff Santa Clara
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE OF LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Fred W. Schwinn - 225575

CONSUMER LAW CENTER, INC.

12 South First Street, Suite 1014

San Jose, CA 95113-2418

Tel: (408) 294-6100

Fax: (408) 294-6190

Attorneys (If Known)

Kimberly E. Lewellen - 243663

ELLIS, COLEMAN, POIRIER, LAVOIE, & STEINHIMER LLP

555 University Avenue, Suite 200 East

Sacramento, CA 95825

Tel: (916) 283-8820

Fax: (916) 283-882

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	PERSONAL INJURY	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
	PERSONAL PROPERTY	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 371 Truth in Lending			<input type="checkbox"/> 894 Energy Allocation Act
	<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 895 Freedom of Information Act
	<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
	PRISONER PETITIONS			<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 510 Motion to Vacate Sentence			
	Habeas Corpus:			
	<input type="checkbox"/> 530 General			
	<input type="checkbox"/> 535 Death Penalty			
	<input type="checkbox"/> 540 Mandamus & Other			
	<input type="checkbox"/> 550 Civil Rights			
	<input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq.

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ not exceed \$10000

☐ CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE

DOCKET NUMBER

DATE

April 23, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

BY FAX